

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**EDWARD EUGENE BARBER,**

**Plaintiff,**

**VS.**

**ERIC HOLDER, et. al.,**

**Defendants.**

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**NO. 7:12-CV-00165-HL**

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**ORDER**

Plaintiff **EDWARD EUGENE BARBER** has filed a Motion to Proceed *in forma pauperis* on Appeal (ECF No. 14) from this Court's January 14, 2013, Order (ECF No. 9) dismissing this action under 28 U.S.C. § 1915(g). In the Court's best judgment, an appeal from that Order cannot be taken in good faith. Plaintiff's Motion to Proceed *in forma pauperis* on Appeal is accordingly **DENIED**. See 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3) ("A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis . . . unless . . . the district court . . . certifies that the appeal is not taken in good faith.").

If Plaintiff wishes to proceed with his appeal, he must pay the entire \$ 455.00 appellate filing fee. Because Plaintiff has stated that he cannot pay the \$ 455.00 immediately, he must pay using the partial payment plan described under 28 U.S.C. § 1915(b). Pursuant to § 1915(b), the prison account custodian where Plaintiff is incarcerated shall cause to be remitted to the Clerk of this Court monthly payments of 20% of the preceding month's income credited to Plaintiff's account until the \$ 455.00 appellate filing fee has been paid in full. Twenty percent of any deposits into the prisoner's account shall be withheld by the prison account custodian who, on a monthly basis, shall forward the amount withheld from the prisoner's account to the Clerk of this Court each time the amount in

the account exceeds \$ 10.00 until the total filing fee of \$ 455.00 has been paid. For this reason, the Clerk of Court is **DIRECTED** to mail a copy of this Order to the custodian of the prison in which Plaintiff is incarcerated. Checks should be made payable to “Clerk, U.S. District Court.”

**SO ORDERED**, this 15<sup>th</sup> day of February 2013.

*s/ Hugh Lawson*  
HUGH LAWSON, JUDGE  
UNITED STATES DISTRICT COURT

jlr